



**APPROVED** Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, September 10, 2013, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

**PRESENT:** Chairman Manion, Members Van de Kerckhove, and Leider.

**ALSO PRESENT:** Stephen Robles, Planner.

**ABSENT:** Member Kalina and Trustee Liaison Brandt.

**CALL TO ORDER:** **Chairman Manion** called the meeting to order at 7:01 p.m.

**1.0 ROLL CALL**

The roll was called by **Planner Robles** and **Chairman Manion** declared a quorum to be present.

**2.0 APPROVAL OF MINUTES**

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, July 9, 2013.

**Member Van de Kerckhove** moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, July 9, 2013, as submitted. The motion passed unanimously by voice vote.

**3.0 ITEMS OF GENERAL BUSINESS:**

3.1 WORKSHOP to discuss proposed Text Amendments to Sections 6-2-2, 6-3-5, and 6-3-7 of the Zoning Code to update requirements for Accessory Structures & Uses, incorporate new regulations for Temporary Structures and Uses, and revise limitations for Obstructions in Yards (Village of Lincolnshire).

**Planner Robles** presented Staff's memorandum and noted the Community Development Department was seeking Zoning Board input on the comprehensive review of the Accessory Buildings and Uses and Yards Sections of the Zoning Code. He also noted such changes may result in amendments to the Definitions section of the Code. In addition, the increased popularity of farmer's markets, mobile food vendors, seasonal events, etc., review of temporary use regulations was also being considered. Before Staff proposed any code language, the workshop was being held to receive the Zoning Board's input and direction.

**Planner Robles** began the slide presentation and explained that currently one accessory structure is permitted on a Village lot, with the exception of playhouses, which are permitted in addition. The intent was to minimize the number of detached structures on a lot that could disrupt the residential nature of the Village. It may be appropriate to allow more than one accessory structure, if all other requirements are satisfied. For example, a residence could have a storage shed, gazebo, and a play set in the rear yard, which are all common accessory structures. Any increase in quantity would not

permit more than one of the same accessory structure, for example two detached storage sheds would not be allowed.

**Member Leider** inquired if the code differentiated between an attached structure and a detached structure. **Planner Robles** explained the difference between the two structure types as defined and regulated in the Zoning Code.

Following discussion whether to increase the number of storage structures, the Zoning Board unanimously agreed to keep the current limitation and preferred to review any increases on a case-by-case basis through the variation process.

**Planner Robles** continued, accessory structures are intended to be completely detached from the principal structure on a lot. The most restrictive separation requirement was for storage sheds, which must be no farther than 6" from the home, deck or patio. He explained Staff's concern that the 6" separation was rather minimal and created the appearance of an attached structure, which was the original intent. However, some communities viewed detached structures within 10 feet of the principal structure be considered part of the building. Establishing a maximum separation for accessory structures and the principal structure to be considered "attached" would allow residents greater flexibility in locating an accessory structure, while maintaining the residential character of the Village.

After limited discussion, the Zoning Board agreed that accessory structures, specifically storage sheds, should remain as close to the home as possible and were not receptive to any increase in separation.

**Planner Robles** moved on to discuss gazebos, and noted they must currently incorporate traditional or classical architectural detailing and ornamentation. He explained that the code included design examples as a visual guide of acceptable designs, but were not code requirements. As a result, Staff could not force the use of the designs. Removing the graphic design examples from the Code would follow current practices and he questioned if requiring traditional or classical architectural design and detailing should be retained.

**Member Van de Kerckhove** expressed his willingness to keep the design examples as it offered good examples for those interested in building a gazebo to follow. The Zoning Board determined that if the graphic examples were not being applied, they could be removed and residents could construct gazebos in a classical or traditional design.

**Planner Robles** continued his presentation explaining in permitting storage sheds, the Village did so under very tight set of restrictions, regulating materials, location, size parameters, etc. Residents who had interest in storage sheds expressed the regulations were very limiting and generally problematic. Staff questioned if the shed requirements should be reviewed to decrease the limitations, such as relaxing location and size restrictions, which would reflect the current needs of residents.

After earlier discussion on storage sheds, the Zoning Board continue to recommend the existing code requirements remain in place.

**Planner Robles** moved on noting the Code had two very similar terms for recreational type structures, but were defined very differently. He explained a “recreational structure” is allowed in conjunction with a pool or tennis court to house equipment. However, that type of structure had evolved into separate pool houses, complete with kitchens and bathrooms. On the other hand, “recreational equipment and facilities” were playhouses, jungle gyms, trampolines, etc., and did not have regulations other than being permitted in the required yard. He conveyed having very similar terms created confusion amongst residents and in enforcement of appropriate regulations, and recommended a change in terminology to provide clear identification and ease confusion. Further, **Planner Robles** noted further regulations should also be applied to both structure types based on their use to minimize impacts on neighbors and loopholes that lead to different structures than may be envisioned by the Village.

The Zoning Board agreed and directed Staff to propose revisions for further review.

**Planner Robles** continued and explained temporary seasonal structures had recently become a zoning enforcement concern as more residents seek to enjoy their yards throughout the year. The most common were shade structures, temporary gazebos and ice hockey rinks. Since such structures are temporary, they are not identified in the Zoning Code, and therefore, the Code does not permit them. Staff recommended the inclusion of “temporary seasonal structures” in the Code to establish reasonable regulations to minimize impacts on neighboring properties, but provide flexibility given the variety and temporary nature of such structures.

Limited discussion ensued regarding what type of controls would be used and regarding the enforcement of lighting. The Zoning Board was in agreement with Staff and noted their hesitation in establishing lighting requirements.

**Planner Robles** proceeded with his presentation and explained the current Zoning Code was absent of a dedicated Temporary Uses and Structures section. A limited number of temporary uses and structures did exist within the code, such as farmer’s market and garage sales, under an array of regulations. **Planner Robles** explained that without a dedicated code section, many of the temporary uses were regulated through the Special Use process, which was suitable for permanent uses, but became a barrier to temporary uses, many of which may be desirable in the community. A new section would also establish more appropriate regulations based on the individual temporary impact and create simplified review procedures to facilitate these uses. Approval procedures could include Staff level review of such uses, rather than a formal zoning approval process.

Minor discussion occurred regarding food trucks and similar uses and how such could be permitted without impacting the current bricks and mortar businesses. The Zoning Board was in agreement regarding the need for the creation of a new section and to improve the ease in permitting such uses.

**Planner Robles** moved on to flag poles which were allowed within any yard, including the front yard. While the location was appropriate, he explained there were no further code restrictions on height or the need to comply with the United States Flag Code. Staff recommended a maximum height limitation for both residential and non-residential flag poles; an example was to allow a 25 foot height limitation for residential, while a taller flagpole height for non-residential properties was more appropriate.

The Zoning Board expressed concern over the 25 foot height suggestion and that such might be too tall for residential neighborhoods. **Planner Robles** commented the flag pole at Village Hall was approximately 25 feet tall, which could appear taller considering the height above the street level. **Member Leider** suggested a height equation be considered based on the height of principal structure.

**Planner Robles** proceeded with his presentation and noted gazebos and play structures were permitted within the required rear yard. Staff received occasional neighbor complaints on the close proximity of these structures to their yards. Staff felt the location in the rear yard remained acceptable, but a minimum distance from the rear property line should be established, 10' as an example, to create separation from adjoining lots.

The Zoning Board concurred with Staff.

**Planner Robles** continued that fences were permitted to encroach in required side and rear yards, which was typical. However, that is problematic with conservancy areas where fencing is not permitted to break the naturalized area. Language was missing from the Code to prevent such installation and conflicts with the easement language of recorded subdivision plats. He recommended additional code language should be established to clarify fences should not be allowed to extend into recorded conservancy areas.

The Zoning Board concurred with Staff.

At the conclusion of his presentation, **Planner Robles** sought direction from the Zoning Board if a public hearing should be scheduled for the next meeting in October to discuss proposed code language. It was the consensus of the Zoning Board for Staff to return to a second workshop in October and present draft code language for the Zoning Board to review prior to a public hearing.

**4.0 UNFINISHED BUSINESS (None)**

**5.0 NEW BUSINESS (None)**

**6.0 CITIZENS COMMENTS (None)**

**7.0 ADJOURNMENT**

There being no further business, **Chairman Manion** adjourned the meeting at 8:15 p.m.

Minutes Submitted by Stephen Robles, Planner